

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action of the United States Patent and Trademark Office dated April 4, 2005. Claims 1-3 and 5 are currently pending in the present application.

In the Office Action, Claims 1-3 and 5 have been rejected under 35 U.S.C. §102(a) as being anticipated by European Patent Application Publication No. EP 1039 768 A2 (*Sim*). Additionally, the Examiner has objected to Claim 2 and 5.

With regard to the Examiner's objection to Claims 2 and 5, the Examiner asserts that these claims substantially are duplicates of each other. However, Claim 5 should depend from Claim 3, not Claim 1. Therefore, as indicated above, Claim 5 has been amended to depend from Claim 3. Accordingly, it is respectfully requested that the objection to Claims 2 and 5 be withdrawn.

With regard to the Examiner's rejection of independent Claim 1, as indicated above, it is respectfully submitted that Claim 1 has been amended to further distinguish over *Sim*. More specifically, Claim 1 has been amended to more clearly recite the confirmation step, i.e., displaying the selected image and then confirming the image, which it is respectfully submitted, is not taught in *Sim*. Therefore, it is respectfully requested that the rejection of Claim 1 be withdrawn.

Further, because independent Claim 1 is believed to be in condition for allowance, dependent Claims 2-3 and 5 are also believed to be in condition for allowance as being dependent upon Claim 1.

Accordingly, all of the claims pending in the Application, namely, Claims 1-3, and 5 are believed to be in condition for allowance. Allowance of these Claims is thus respectfully requested. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

DILWORTH & BARRESE

333 Earle Ovington Blvd.

Uniondale, New York 11553

Tel: (516) 228-8484

Fax: (516) 228-8516